

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

APCC Services, Inc.,)	
Data Net Systems, LLC,)	
Davel Communications, Inc.,)	
Jarothe, Inc. dba Pacific Telemanagement)	
Services, and)	
Intera Communications Corp.,)	
)	
Complainants,)	
)	
v.)	File No. EB-02-MD-009
)	
Gadjraj & Sons Import & Export, Inc.,)	
)	
Defendant.)	

ORDER

Adopted: November 21, 2002

Released: November 22, 2002

By the Deputy Chief, Market Disputes Resolution Division, Enforcement Bureau:

1. On April 19, 2002, APCC Services, Inc., *et al.* ("APCC" or "Complainants"), filed with this Commission a formal complaint against Gadjraj & Sons Import & Export, Inc. ("Gadjraj") pursuant to section 208 of the Communications Act of 1934, as amended (the "Act").¹ The complaint alleges that Gadjraj failed to pay dial-around compensation to Complainants for certain categories of completed coinless calls originating from payphones, in violation of Commission rules and orders.² Due to a series of extensions, the Defendant was required to file an answer in this proceeding no later than October 17, 2002.³

¹ 47 U.S.C. § 208.

² See 47 C.F.R. §§ 64.1300-64.1320. These rules were promulgated to implement section 276 of the Act, 47 U.S.C. § 276.

³ See, e.g., *APCC Services, Inc., et al., v. Gadjraj & Sons Import & Export, Inc.*, Letter from Warren Firschein, Attorney, Market Disputes Resolution Division, Enforcement Bureau, FCC, File No. EB-02-MD-009 (September 12, 2002); *APCC Services, Inc., et al., v. Gadjraj & Sons Import & Export, Inc.*, Letter from Warren Firschein, Attorney, Market Disputes Resolution Division, Enforcement Bureau, FCC, File No. EB-02-MD-009

2. In a letter to Commission staff dated October 17, 2002, the parties indicated that they had agreed upon the basic terms of a settlement in this matter.⁴ To allow for adequate time to finalize the agreement and collect the required signatures, however, the parties jointly requested a short additional extension of time for the Defendant to file an answer to the complaint, with the understanding that an answer would not be required if the settlement were completed prior to the revised due date.⁵ In a Letter Ruling from Commission staff dated October 23, 2002, the Defendant was granted the requested extension of time to file its answer, to November 1, 2002, the date suggested by the parties.⁶

3. On November 1, 2002, Complainants filed a motion requesting that we dismiss the formal complaint in this proceeding with prejudice.⁷ We grant Complainant's motion to dismiss the complaint, with prejudice. We find that dismissal at this stage is appropriate, and will serve the public interest by promoting the private resolution of disputes and eliminating the expenditure of further time and resources of the parties and of the Commission.

4. Accordingly, IT IS ORDERED, pursuant to sections 1, 4(i), 4(j), 208 and 276 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 154(j), 208, and 276, sections 1.720-1.736 and 64.1300-64.1320 of the Commission's rules, 47 C.F.R. §§ 1.720-1.736, 64.1300-64.1320, and the authority delegated by sections 0.111 and 0.311 of the Commission's rules, 47 C.F.R. §§ 0.111, 0.311, that the above-captioned complaint IS DISMISSED WITH PREJUDICE in its entirety and the proceeding IS TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION

Radhika V. Karmarkar
Deputy Chief, Market Disputes Resolution Division

(August 20, 2002).

⁴ See *APCC Services, Inc., et al., v. Gadjraj & Sons Import & Export, Inc.*, Letter from Gregory Kwan, Attorney for Complainants, and Joseph P. Goldberg, Attorney for Gadjraj, to Warren Firschein, Attorney, Market Disputes Resolution Division, Enforcement Bureau, FCC, File No. EB-02-MD-009 (October 17, 2002).

⁵ *Id.*

⁶ See *APCC Services, Inc., et al., v. Gadjraj & Sons Import & Export, Inc.*, Letter from Warren Firschein, Attorney, Market Disputes Resolution Division, Enforcement Bureau, FCC, File No. EB-02-MD-009 (October 23, 2002).

⁷ *APCC Services, Inc., et al., v. Gadjraj & Sons Import & Export, Inc.*, Notice of Settlement and Motion to Dismiss Formal Complaint With Prejudice, FCC, File No. EB-02-MD-009 (filed November 1, 2002).

Enforcement Bureau